

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
210 FRANKLIN ROAD, SW. • ROOM 350
ROANOKE, VIRGINIA 24011-2208

MICHAEL F. URBANSKI
Chief United States District Judge

TELEPHONE 540 857-5124
FACSIMILE 540 857-5129

November 14, 2018

Via ECF

Counsel of Record
United States v. Dashawn Anthony et al
4:18cr00012

In re: Sealing Error in 4:18cr00011/Continuation of CJA Counsel

Dear Counsel:

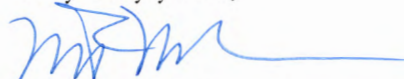
As you may be aware, the docket in the companion case of United States v. Marcus Davis, No. 4:18cr00011, was inadvertently sealed for a few days last week. I learned of the mistake on Monday and immediately took steps to fix the error. Because of the Veteran's Day holiday, appropriate access to the docket in that case was not restored until Tuesday morning. The court apologizes for the inadvertent docketing error and trusts that it has not presented any issues for you in connection with this case. Should you have any concerns resulting from this clerical error, please let me know.

Given the Notice of Death Penalty Determination filed by the government in this case on November 1, 2018 indicating that the Attorney General of the United States has authorized and directed the United States Attorney for the Western District of Virginia not to seek the death penalty in this case, the court expects to set trial dates at the pretrial conferences set for November 29 and 30, 2018. The court will also address any issues presently pending along with those raised at the pretrial conference.

Regardless of this decision by the government, it is my understanding that 18 U.S.C. § 3005 requires that each defendant indicted for a capital crime be assigned two counsel. Thus, I believe that each defendant may continue to be represented by two CJA counsel in this case. I would ask that CJA counsel continue to work with Judge Ballou and Larry Dash concerning case budgets.

Please let me know if there are any issues that you would like to have addressed at the pretrial conferences set at the end of this month.

Very truly yours,



Michael F. Urbanski
Chief United States District Judge